HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.6723 of 2003 (O&M)
Date of Decision: 23.08.2011

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Vijay Kumar . . . . Petitioner

VS.

State of Punjab & Ors. . . . Respondents

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CORAM : HON'BLE MR.JUSTICE SURYA KANT

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Present: Mr. SK Sharma, Advocate for the petitioner

Mr. PC Goyal, Addl. AG Punjab

Mr. Ramesh Goyal, Advocate for respondent No.5

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SURYA KANT, J. (ORAL)

(1). The petitioner and respondent NO.5 both are Senior Assistants. The former belongs to the General category and the latter to the reserved category of Scheduled Caste.

(2). A post of Superintendent Gr-II fell vacant at roster point No.6. The question was whether the same is to be filled in from out of the reserved category candidates or Open category.

(3). The Departmental Promotion Committee though noticed that roster point NO.6 is to be filled up it further

observed that the same was reserved for Scheduled Caste. Resultantly respondent No.5 was promoted.

(4). The 100-point roster for the purpose of promotion to Class I and Class II services in the State of Punjab reads as follows:-

"1,7,15,22,30,37,44,51,58,65,72,80,87,94& so on"

(5). The petitioner's contention that roster point No.6 was unreserved appears to be correct.

(6). Learned State counsel, on instructions from the Departmental official present in Court, also states that the roster point No.6 was to be filled up and Superintendent Gr-II was a Group-B post.

(7). The petitioner has been promoted as Superintendent Gr-II today vide an even dated order. He is due to retire w.e.f. 31.08.2011. In these circumstances and without disturbing the promotion granted to respondent NO.5, I allow the writ petition with a direction that the petitioner shall be considered for retrospective promotion against unreserved roster point No.6 with all consequential benefits.

(8). The needful shall be done within a period of *three months* from the date of receipt of a certified copy of this order

and the retiral dues shall also be re-fixed within the same time-frame.

(9). Ordered accordingly. ***Dasti***.

23.08.2011 (S u r y a K a n t)
Vishal shonkar Judge